IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 12198 of 2004

Between:

M/s.R.S.Arora Industries, Plot No.61, S.V.Cooperative Industrial

Estate, Balanagar, Hyderabad-500037 rep., by its Proprietrix

R.S.Daljeet Kaur

..... PETITIONER

AND

1 Employees Provident Fund Organisation Sub-Account Office,

Kukatpally, Hyderabad rep., by Recovery Officer
2 R.S.Arora Industries Employees Union, Plot No.61, S.V.Cooperative

Industrial Estate, Balanagar, Hyderabad-500037, rep., by its General

Secretary.
3 Employees Provident Fund Appellate Tribunal, No.60, Skylark

Buildings, Nehru Place, New Delhi.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue suitable direction order or a writ particularly one in the nature of mandamus declaring action of the 1st respondent in claiming contributions and interest as illegal and arbitrary and consequently to set aside the order bearing

No.AP/SAO/KKP/37502/Enf.Zone.XIV/2004/933 dated 01-04-2004 in the interest of justice and equity otherwise the petitioner will suffer great hardship and irreparable loss.

Counsel for the Petitioner: MR. C.NIRAJAN RAO

Counsel for the Respondents : MR.R.N.REDDY

The Court made the following :

O R D E R:

The Writ Petition is filed to declare the action of the 1st respondent in claiming contributions and interest thereon as illegal and arbitrary and consequently to set aside the order No.AP/SAO/KKP/ 37502/Enf.Zone.XIV/2004/933, dated 01-04-2004.

The grievance of the petitioner is that on a complaint given by the second respondent alleging that the petitioner engaged more than 20 employees, proceedings under Section 7A of Employees Provident Fund Act (in short 'the Act') were initiated by the first respondent. Even though the petitioner submitted the relevant records and appeared for hearing on 04-08-2003 and 24-08-2004 and the second respondent failed to appear in spite of the specific directions, the first respondent by clubbing another establishment existing in the premises of the petitioner viz., D.K. Industrial Products, which is no way concerned with the affairs of the petitioner, passed orders under Section 7A of the Act on 27-02-2001 covering the petitioner under the provisions the Act. Against the said order, petitioner filed a review application on 18-04-2001 before the 1st respondent, but without deciding it, the respondent issued impugned notice for recovery of Rs.6,09,149/- from the petitioner. The grievance of the petitioner is that against the orders of the 1st respondent, an appeal was preferred before the 3rd respondent and pending the

appeal, the 1st respondent is going to recover the amount.

Heard the learned counsel for the petitioner and Sri R.N.Reddy, Standing Counsel for the 1st respondent and the writ petition is disposed of at the stage of admission.

At the time of arguments, the learned counsel for the petitioner sought six weeks time for pursuing the matter before the appellate Tribunal and obtaining necessary interim orders and also prayed for grant of stay of all further proceedings till then.

Under the above circumstances, having regard to the fact the appeal, against the order of the 1st respondent, filed by the petitioner is pending before the 3rd respondent, the writ petition is disposed of granting six weeks time to the petitioner for obtaining necessary interim orders from the appellate Tribunal and the 1st respondent is directed not to take any coercive steps till such time.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

gs/asp

To

1 The Recovery Officer, Employees Provident Fund Organisation

Sub-Account Office, Kukatpally, Hyderabad

2 Employees Provident Fund Appellate Tribunal, No.60, Skylark

Buildings, Nehru Place, New Delhi.

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